

REMARKS

Applicants respectfully request reconsideration and allowance of the subject application. Claims 51-76 are pending in the application, of which claims 51, 57, 64, and 70 have been amended. Support for the amendments to claims 51, 57, 64, and 70 can be found at least at pages 9 and/or 22-24, and at Fig. 6 of the application as filed.

35 U.S.C. §103 Claim Rejections

Claims 51-76 are rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Background of the subject application which is described on pages 1-7 of the specification (hereinafter, "Background") in view of U.S. Patent No. 5,504,935 to Vercauteren et al. (hereinafter, "Vercauteren") (*Office Action* p.2).

Claim 51 recites a content provider comprising:

a transmitter, responsive to the server, to transmit a portion of the content over a second network, the portion of the content being transmitted in addition to the content which is served to the local service provider via the first network, the second network being independent from the first network and providing additional bandwidth so that the transmitter can serve the portion of the content to the local service provider in an event that the portion of the content is not served via the first network within a designated time period.

Applicant's Background and/or Vercauteren do not teach or suggest a transmitter which transmits a portion of the content over a second network, the portion of the content being transmitted in addition to the content which is served to the local service provider via the first network, as recited in claim 51.

1 In contrast, Vercauteren describes a mobile communication system in which
2 a fixed base station switches a signal from one path to another (*Vercauteren*
3 col.10, lines 25-28). The hand-over decision described in Vercauteren does not
4 disclose or suggest transmitting a portion of the content over a second network,
5 where this portion of the content is being transmitted in addition to the content
6 which is served via the first network, as recited in claim 1. Further, there is no
7 discussion in the Background of the subject application that would suggest this
8 feature.

9 The Background-Vercauteren combination also fails to teach or suggest the
10 second network being independent from the first network and providing additional
11 bandwidth so that the transmitter can serve the portion of the content to the local
12 service provider in an event that the portion of the content is not served via the
13 first network within a designated time period, as recited in claim 51.

14 The Office contends that Applicant's discussion regarding prior problems
15 with the dissemination of continuous data in the Background teaches or suggests
16 this limitation (*Office Action* p.3). Applicant disagrees because the Background
17 description simply acknowledges that the dissemination of continuous data over
18 the Internet is plagued with latency problems due to limited bandwidth
19 (*Specification* p.2, lines 16-21). There is no disclosure or suggestion of providing
20 a transmitter which transmits a portion of the content to the local service provider
21 over a second network in an event that the portion of the content is not served via
22 the first network within a designated time period, as recited in claim 51.

23 Accordingly, independent claim 51 along with dependent claims 52-56 are
24 allowable over the Background-Vercauteren combination for at least the reasons
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1 described above, and Applicant respectfully requests that the §103 rejection be
2 withdrawn, and that claim 51 be allowed in the Examiner's next action.

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4 Claim 57 recites a content provider comprising "a broadcast satellite
5 network to communicate the content from the server to the local service provider,
6 the broadcast satellite network being independent from the high-speed, high-
7 bandwidth network, and uni-directional such that the content is broadcast in one
8 direction from the server to the local service provider."

9 Applicant's Background and/or Vercauteren do not teach or suggest a
10 broadcast satellite network being independent from the high-speed, high-
11 bandwidth network, and uni-directional such that the content is broadcast in one
12 direction from the server to the local service provider, as recited in claim 57.

13 Vercauteren describes a mobile communication system in which a fixed
14 base station switches a communications signal from one path to another
15 (*Vercauteren* col.10, lines 25-28). Although Vercauteren describes a satellite for
16 two-way mobile communication, Vercauteren does not disclose or suggest a
17 broadcast satellite network which is uni-directional, as recited in claim 57.

18 As set forth in the MPEP at section 2143.01, "[o]bviousness can only be
19 established by combining or modifying the teachings of the prior art to produce the
20 claimed invention where there is some teaching, suggestion, or motivation to do so
21 found either in the references themselves or in the knowledge generally available
22 to one of ordinary skill in the art." As such, the combination proposed by the
23 Office is not supported and lacks motivation, teaching, and/or a suggestion to
24 support the proposed combination.
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1 As described above, Vercauteren describes satellite transmission for
2 two-way communication between two mobile terminals (e.g., mobile phones).
3 This bi-directional communication of Vercauteren is essentially the opposite of the
4 uni-directional broadcasting of content described in claim 57. If anything,
5 Vercauteren teaches away from the uni-directional broadcast satellite network
6 described in Applicants' claim 57. Further, the use of such uni-directional
7 broadcasting in Vercauteren would render the two-way communication system
8 unsatisfactory for its intended purpose of two-way communication.

9 Accordingly, independent claim 57 along with dependent claims 58-63 are
10 allowable over the Background-Vercauteren combination for at least the reasons
11 described above, and Applicant respectfully requests that the §103 rejection be
12 withdrawn, and that claim 57 be allowed in the Examiner's next action.

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14 Claim 64 recites a content provider comprising:

15 a transmitter, responsive to the server, to transmit a portion of the
16 video content over a second network, the portion of the video
17 content being transmitted in addition to the video content which is
18 served to the local service provider via the first network, the second
19 network being independent from the first network and providing
20 additional bandwidth so that the transmitter can serve the portion of
the video content to the local service provider in an event that the
portion of the video content is not served via the first network within
a designated time period.

21 As described above in the response to the rejection of claim 51, the
22 Background and/or Vercauteren does not teach or suggest a transmitter which
23 transmits a portion of the video content over a second network, the portion of the
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1 video content being transmitted in addition to the video content which is served to
2 the local service provider via the first network, as recited in claim 64.

3 Further, the Background-Vercauteren combination also fails to teach or
4 suggest the second network being independent from the first network and
5 providing additional bandwidth so that the transmitter can serve the portion of the
6 video content to the local service provider in an event that the portion of the video
7 content is not served via the first network within a designated time period, as
8 recited in claim 64.

9 Accordingly, independent claim 64 along with dependent claims 65-69 are
10 allowable over the Background-Vercauteren combination for at least the reasons
11 described above, and Applicant respectfully requests that the §103 rejection be
12 withdrawn, and that claim 64 be allowed in the Examiner's next action.

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14 Claim 70 recites a content provider comprising "a broadcast satellite
15 network to communicate the video content from the server to the local service
16 provider, the broadcast satellite network being independent from the high-speed,
17 high-bandwidth network, and uni-directional such that the video content is
18 broadcast in one direction from the server to the local service provider."

19 As described above in response to the rejection of claim 57, the Background
20 and/or Vercauteren do not teach or suggest a broadcast satellite network being
21 independent from the high-speed, high-bandwidth network, and uni-directional
22 such that the video content is broadcast in one direction from the server to the local
23 service provider, as recited in claim 70.

24 Accordingly, independent claim 70 along with dependent claims 71-76 are
25 allowable over the Background-Vercauteren combination for at least the reasons

1 described above, and Applicant respectfully requests that the §103 rejection be
2 withdrawn, and that claim 70 be allowed in the Examiner's next action.

3
4 **Conclusion**

5 Pending claims 51-76 are in condition for allowance. Applicant
6 respectfully requests reconsideration and issuance of the subject application. If
7 any issues remain that preclude issuance of this application, the Examiner is urged
8 to contact the undersigned attorney before issuing a subsequent Action.

9
10 Respectfully Submitted,

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12 Dated: April 28, 2005

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